

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

Chapter 7

John F. Zaher,

Case No.: 22-70422-ast

Debtor(s).

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AFFIRMATION IN OPPOSITION

Richard F. Artura, Esq., an attorney duly admitted to practice law before the Courts of the State of New York, affirms the following under the penalty of perjury:

1. I am a member of the firm of Phillips, Artura & Cox Esqs., attorneys for debtor, and as such I am fully familiar with the facts and circumstances surrounding the within matter.

2. This affirmation is in opposition to the motion to lift stay of Craig Perri returnable April 28, 2022 at 10:30 a.m.

3. The affidavit of service of the motion is attached hereto.

4. The motion and exhibits were not served upon the debtor.

5. Bankr 7004(b)(9) mandates service by mail on the debtor and Bankr 7004(g) requires that service also be made on debtor's attorney. Motions are included in this rule pursuant to Bankr 9014(b).

6. "The Rule requires that both the debtor and the attorney be served. If either one is not served, then service is insufficient, see In re Bloomingdale 137 BR 351, 354 (Bankr.C.D.Cal 1991); In re Graham, 6 BR 219, 220 (Bankr.N.D.Ga 1980) (analyzing Rule 7004(b)(9)'s predecessor, Rule 704(c)(9)), and any judgment resulting from the complaint is void. Peralta v. Heights Med. Ctr., Inc., 485 US 80, 84-86, 108 S Ct. 896, 99 L.Ed.2d 75 (1988)" In re Vincze 230 F.3d 297 at 299 (7th Cir.2000). In the instant action the debtor was not served.

WHEREFORE, creditor's motion to lift stay must be denied and for such other and further relief as this Court deems just and proper.

Dated: April 21, 2022
Lindenhurst, New York

S/Richard F. Artura, Esq.
Richard F. Artura, Esq.
Phillips, Artura & Cox
165 South Wellwood Avenue
Lindenhurst, NY 11757
(631) 226-2100

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

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In re:

JOHN F. ZAHER

Chapter 7

Case No. 22-70422-ast

Debtor.
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CERTIFICATE OF SERVICE

VICTORIA M. PRANZO, being duly sworn says: I am not a party to the action, am over 18 years of age and reside at East Rockaway, New York.

That on the 1st day of April, 2022, I served a true copy of the **NOTICE OF HEARING** on Craig Perri's *Motion for an Order Pursuant to Bankruptcy Rule 4001(a)3) and 11 U.S.C. § 362, Granting Relief from the Automatic Stay* by mailing the same in a sealed envelope, with postage prepaid hereon, in a post-office or official depository of the U.S. Postal Service within the State of New York, addressed to the last known address of the addressees indicated below:

SEE ATTACHED ADDRESS SERVICE LIST

That on the 1st day of April, 2022, I served a true copy of the **NOTICE OF HEARING, Craig Perri's MOTION FOR AN ORDER PURSUANT TO BANKRUPTCY RULE 4001(A)3) AND 11 U.S.C. § 362, GRANTING RELIEF FROM THE AUTOMATIC STAY, and all exhibits annexed thereto** by mailing the same in a sealed envelope, with postage prepaid hereon, in a post-office or official depository of the U.S. Postal Service within the State of New York, addressed to the last known address of the addressees indicated below:

Andrew M. Thaler, Trustee
Thaler Law Firm PLLC
675 Old Country Road
Westbury, NY 11590

Richard F. Artura
Phillips, Artura & Cox
165 South Wellwood Avenue
Lindenhurst, NY 11757


VICTORIA M. PRANZO

Sworn to before me this
1st day of April, 2022.


Notary Public

MARIBEL SONERA
Notary Public, State of New York
No. 01SO6256815
Qualified in Nassau County
Commission Expires March 5, 2024

SERVICE LIST

Chase Card Services
Attn: Bankruptcy
P.O. 15298
Wilmington, DE 19850

Convergent Outsourcing
800 SW 39th Street
Suite #100
Renton, WA 98057

Convergent Outsourcing In
PO Box 9004
Renton, WA 98507-9004

Kohls
PO Box 3043
Milwaukee, WI 53201-3043

Macy's
PO Box 9001094
Louisville, KY 40290-1094

National Grid
PO Box 11791
Newark, NJ 07101

Optimum
1111 Stewart Avenue
Bethpage, NY 11714-3581

PSEG Long Island
15 Park Drive
Melville, NY 11747

Sheriff's Office, County of Suffolk
Civil Enforcement
360 Yaphank Ave, Ste 1A
Yaphank, NY 11980

Suffolk County
Sewer Districts
335 Yaphank Ave
Yaphank, NY 11980-9608

Suffolk County
Water Authority
2045 Route 112, Suite 5
Coram, NY 11727

Suffolk Federal Credit Union
3681 Horseblock Road
PO Box 9005
Medford, NY 11763

Synco/pc Richard
Po Box 965036
Orlando, FL 32896

Synchrony Bank
170 West Election Road
Suite 125
Draper, UT 84020

Verizon
PO Box 15124
Albany, NY 12212-5124

Verizon Wireless
Attn: Bankruptcy
500 Technology Dr,
Ste 599
Weldon Springs, MO 63304

Vivint Solar Developer, LLC
4931 N 300 W
Provo, UT 84604

Vivint Solar
PO Box 4589
Portland, OR 97208-4589

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AFFIRMATION IN OPPOSITION

**PHILLIPS, ARTURA & COX
Attorneys for Debtor
165 South Wellwood Avenue
Lindenhurst, NY 11757**

Service of a copy of the within is hereby admitted.

Dated: _____

Attorney(s) for

SIR: PLEASE TAKE NOTICE

[] NOTICE OF ENTRY: that the within is a (certified) true copy of a _____ duly entered in the office of the clerk of the within named court on _____

[] NOTICE OF SETTLEMENT: that an order _____ of which the within is a true copy will be presented for settlement to the HON. _____ one of the judges of the within court, at _____ on _____ at _____

Certified pursuant to 22 NYCRR Part 130-1.1-a

Dated:

Yours, etc.,

TO:

Attorney(s) for:

**BY: Richard F. Artura, Esq.
Phillips, Artura & Cox
165 South Wellwood Avenue
Lindenhurst, NY 11757
(631) 226-2100**